



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HCI DIRECT, INC.,

Opposer,

vs.

HOLSTED MARKETING INC.,

Applicant.

OPPOSITION No. _____

Ser. No. 76/630,741

TTAB

NOTICE OF OPPOSITION

HCI Direct, Inc., a corporation of Delaware, having its principal place of business at 3050 Tillman Drive, Bensalem, PA 19020, believes that it will be damaged by the registration of the mark shown in Application Serial Number 76/630,741 in International Class 25 and hereby opposes the same.

This application was published on January 2, 2007 in the Official Gazette of the United States Patent and Trademark Office.

As grounds for the opposition it is alleged that:

1. Applicant, Holsted Marketing Inc., is on information and belief, a New York corporation with an address at 135 Madison Avenue, New York, NY 10016-6712, and seeks to register the trademark **SO SILKY** for hosiery in Class 25 as set forth in the above noted application.

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2. The application, here opposed, was filed on February 8, 2005, based upon a claim of a bona fide intent-to-use the mark on said goods.

3. Opposer is well known in the field of women's hosiery, pantyhose and similar products as well as related fields of commerce and has and is presently engaged in the manufacture and marketing of its products in the United States as well as throughout the world.

4. Opposer is the successor to Hosiery Corporation of America, a Delaware corporation, whose operations and offices were conducted and located in Benasalem, PA.

5. Opposer has used it's well-recognized trademark and brand **SILKIES** and variants thereof on its hosiery goods and other products, in the United States marketplace and abroad for many years and at least as early as August 3, 1979 (by its predecessor, Hosiery Corporation of America).

6. To the best of Opposer's knowledge and belief, no use has as yet occurred of the Applicant's mark in commerce.

7. Opposer's mark **SILKIES (Stylized)** is the subject of United States Trademark Registration No. 1,503,070, registered on September 6, 1988, which registration issued under Section 2(f), is still in force and is incontestible under Section 15 of the Trademark Act. This registration covers pantyhose and hosiery not manufactured of silk in Class 25 and was based on actual use under Section 1(a) dating back to August 3, 1979. A certified or true copy of this registration showing status and title will be introduced during Opposer's testimony period.

8. Opposer is also the owner of a number of other registrations, all still in force, covering variants of the original **SILKIES** trademark for hosiery and similar goods in Class 25 as follows:

SILKIES JUST FOR ME! Reg. No. 2,985,846, registered August 16, 2005;

SILKIES SHEER RENU Reg. No. 3,003,356, registered October 4, 2005;

SILKIES ULTRA Reg. No. 2,248,218, registered May 25, 1999 and now incontestible under Section 15;

THE MOST BEAUTIFUL LEGS IN THE WORLD WEAR...SILKIES Reg. No. 2,373,123, registered August 1, 2000; now incontestible under Section 15; and

LITTLE SILKIES Reg. No. 2,350,315, registered May 16, 2000 and now incontestible under Section 15.

Certified or true copies of these registrations showing status and title will be submitted and offered into evidence during Opposer's testimony period.

9. Opposer has created and maintained a family of "**SILKIES**" trademarks which have achieved great commercial success in the marketplace and are recognized by the consumer as quality products manufactured and distributed by the Opposer.

10. Opposer has at all times marked its hosiery products or their packaging with the **SILKIES** trademarks in manners customary in the trade. Such marking has included the registration symbol, ®.

11. Opposer has advertised its **SILKIES** brands extensively in numerous media and has spent substantial funds in publicizing these brands.

12. Applicant's mark, **SO SILKY**, is so similar to Opposer's marks as to be likely to cause confusion, mistake or deception as to the source of the goods of the Applicant

especially since Applicant's mark is intended to be used in conjunction with goods that are identical to the goods of Opposer.

13. The marks here in issue are visually and phonetically similar. Applicant's mark includes Opposer's entire mark "**SILKIES**", but in the singular form.

14. If Applicant is permitted to use and register the mark herein opposed for the goods specified in it's application, confusion in the trade and by the consumer will likely result, causing damage and injury to the Opposer. Persons familiar with Opposer's mark would be likely to purchase Applicant's products in the mistaken belief that such goods originate with Opposer. Any such confusion will inevitably result in loss of sales to Opposer. Moreover, any objection or fault found with Applicant's products sold under the mark herein opposed would necessarily reflect upon and seriously injure the reputation which Opposer has established for its products offered under its mark and thereby erode the valuable goodwill established by Opposer in its marks.


15. Registration of the mark at issue herein to Applicant will be a source of damage and injury to Opposer.

16. Since Opposer is relying on its incontestible registrations and others, and the application here opposed is based upon intent-to-use the mark, priority is not an issue.

WHEREFORE, Opposer prays that Application Serial Number 76/630,741 be rejected, and that registration of the mark shown therein for the goods set forth therein be refused and denied.

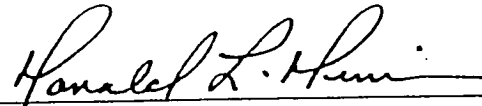
The fee of \$300.00 required by Trademark Rule of Practice 2.6 (a)(17) is enclosed in the form of a charge to counsel's credit card.

Respectfully submitted,

By: 
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Date: January 3, 2007

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DESCRIPTION OF ARTICLES OR SERVICE TO BE FURNISHED																		
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Applicant/Registrant: Holsted Marketing Inc.																		
Mark: SO SILKY																		
Serial/Reg. No.: 76/630,741																		
Our File No.:																		
Amount: \$300.00																		
(Notice of Opposition filed by HCI Direct, Inc.)																		
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